



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,271	07/24/2003	Takao Yamaguchi	MDA-2880US1	9568
52473	7590	11/05/2007		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER KOSTAK, VICTOR R	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 11/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/626,271	Applicant(s) YAMAGUCHI ET AL.	
	Examiner Victor R. Kostak	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 102, 103, 105 and 107-122 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 102, 103, 105 and 107-122 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2622

1. Applicant's arguments filed on 10/19/07, in light of the amendment, have been fully considered but they are not persuasive. The rejection based on Nemirofsky accordingly still applies and is repeated below from the last Office action.

The examiner has addressed applicant's added claim language and arguments in **bold** to distinguish that language from that copied from the last Office action.

2. Regarding a first matter, in line 10 of amended claim 108, the term "*is*" should precede "stored."

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 102, 103, 105 and 107-122 **stand** rejected under 35 U.S.C. 102(b) as being anticipated by Nemirofsky (5,412,416).

The video communication system of Nemirofsky (noting particularly Figs. 1-3 and 5) includes a transmitting stage 4 (Figs. 1 and detailed in Fig. 2) that transmits transmission format information characterized by an identifier and starting time information (control data stage "f" in Fig. 6; col. 9 lines 24-43; col. 10 lines 13-18; col. 17 lines 10-12). Receiving stage 12 (detailed in Fig. 3) receives content that is stored in storage bank 72, and particular content is accessed by identifier data and activated in response to the starting time data; wherein the content data is

transmitted to the receiver stage before the format information is likewise transmitted and received.

Applicant's added claim language, given reasonable interpretation, is redundant and in fact inherent. The activation of content "*at a future point of time*" goes without saying since the content must first be transmitted and received and decoded before it is eventually reproduced (or activated). Furthermore, applicant does not point out any specific event or time instance to which the future point of time relates.

In addition, the text referred to by the examiner spanning lines 29-43 addresses the process of transmitting (and receiving) the content before the starting time of activating (reproducing) the content. Applicant addresses the text and contends that the command data of Nemirofsky cannot be viewed as meeting applicant's claimed starting time data, but it does the same thing that applicant recites in his claims.

Claims 102 and 116 accordingly stand rejected.

Applicant's argument is presented for all of his independent claims, which arguments have been countered by the above remarks by the examiner. Those independent claims and the dependent claims therefore also stand rejected for the reasons of record.

As for claim 103, Nemirofsky points out that the data used to prompt the starting time can be any type of start play or trigger (noting again text in col. 9 lines 24-43; col. 10 lines 13-18; col. 17 lines 10-12).

As for claims 105, 107 and 117, the control codes of Nemirofsky correspond to the claimed term for processing (Nemirofsky also discloses playback duration periods).

Art Unit: 2622

As for claims 108 and 118, Nemirofsky discloses the associated receiving stage detailed in Fig. 4 which includes the storage unit 72 for the content and transmission format data stage 56 used to activate the stored content on a selective and timed basis. Again, the content data is stored before the starting time of its activation.

Regarding claim 109, again, Nemirofsky points out that the data used to prompt the starting time can be any type of start play or trigger (noting again text in col. 9 lines 24-43; col. 10 lines 13-18; col. 17 lines 10-12).

As for claim 110, the control stage 56 activates the content data from storage in an automatic fashion.

As for claims 111 and 119, the control codes of Nemirofsky correspond to the claimed term for processing (Nemirofsky also discloses playback duration periods) in his receiving stage.

Regarding claim 112, Nemirofsky points out that the data used to prompt the starting time can be any type of start play or trigger (noting again text in col. 9 lines 24-43; col. 10 lines 13-18; col. 17 lines 10-12), as mentioned above.

As for claim 113, the control stage 56 activates the content data from storage in an automatic fashion, also mentioned previously.

Claims 114 and 115 recites both the transmitting and the receiving stage involving start time data and processing term data respectively, both of which were addressed above.

As for claims 120 and 121, the methods recited therein are covered by the discussion to claims 114 and 115, respectively.

As for new claim 122, the content data includes (at least) video data.

Art Unit: 2622

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2622

VRK